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Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

DOMINIC JOSEPH
1721 E. Colton Avenue Apt. 86
Redlands, California 92374

Respiratory Care Practitioner License No. 14605

Respondent.

Case No. R-2060

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER; PUBLIC
REPRIMAND**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the
Respiratory Care Board of California (Board). She brought this action solely in her official
capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State
of California, by Elaine Gyrko, Senior Legal Analyst.

2. Dominic Joseph (Respondent) is representing himself in this proceeding
and has chosen not to exercise his right to be represented by counsel.

3. On or about September 19, 1991, the Board issued Respiratory Care
Practitioner License Number 14605 to Respondent. This license was in full force and effect at all

1 times relevant to the charges herein and will expire on September 30, 2007, unless renewed.

2 JURISDICTION

3 4. Accusation No. R-2060 was filed before the Board and is currently
4 pending against Respondent. The Accusation, together with all other statutorily required
5 documents, was properly served on Respondent on March 7, 2007. Respondent timely filed his
6 Notice of Defense contesting the Accusation. A copy of Accusation No. R-2060 is attached as
7 Exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read and understands the charges and allegations
10 in Accusation No. R-2060. Respondent has also carefully read and understands the effects of this
11 Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of his legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
14 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
15 the right to present evidence and to testify on his own behalf; the right to the issuance of
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to
17 reconsideration and court review of an adverse decision; and all other rights accorded by the
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly and intelligently waives and gives up
20 each and every right set forth above.

21 8. Respondent admits the truth of each and every charge and allegation in
22 Accusation No. R-2060. Respondent agrees to be bound by the Board's Disciplinary Order as set
23 forth below.

24 NON-COMPLIANCE WITH ORDER

25 9. In the event respondent fails to comply with the terms of this Stipulated
26 Settlement and Disciplinary Order, such failure shall be deemed a violation of Business and
27 Professions Code section 3750, subdivision (g), and the Board, after giving notice and the
28 opportunity to be heard, may take additional disciplinary action against respondent.

1 CONTINGENCY

2 10. This stipulation shall be subject to the approval of the Board. Respondent
3 understands and agrees that Respiratory Care Board of California's staff and counsel for
4 Complainant may communicate directly with the Board regarding this stipulation and settlement,
5 without notice to or participation by Respondent. If the Board fails to adopt this stipulation as its
6 Order, except for this paragraph, the Stipulated Settlement and Disciplinary Order shall be of no
7 force or effect, it shall be inadmissible in any legal action between the parties, and the Board
8 shall not be disqualified from further action by having considered this matter.

9 11. The parties agree that facsimile copies of this Stipulated Settlement and
10 Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as
11 the original.

12 12. In consideration of the foregoing admissions and stipulations, the parties
13 agree that the Board shall, without further notice or formal proceeding, issue and enter the
14 following Disciplinary Order:

15 DISCIPLINARY ORDER

16 IT IS HEREBY ORDERED that Respondent's RCP License No. 14605 shall be
17 publicly reprimanded by the Respiratory Care Board of California. This document shall
18 constitute the formal public reprimand and provides that based on admissions by respondent in
19 paragraph 8 of this Stipulation, respondent agrees:

20 A. No further violation of the law will occur; and

21 B. He shall pay to the Board costs of investigation and prosecution of this matter
22 in the amount of \$ 915.50. This amount shall be paid in monthly installments within 12
23 months of the effective date of this decision.

24 ACCEPTANCE

25 I have carefully read the above Stipulated Settlement and Disciplinary Order, and
26 I fully understand the terms and conditions and other matters contained therein. I understand the
27 effect this stipulation will have on my Respiratory Care Practitioner License. I enter into this
28 Stipulated Settlement voluntarily, knowingly and intelligently and agree to be bound by the

1 Disciplinary Order and Decision of the Respiratory Care Board. I further agree that a facsimile
2 copy of this Stipulated Settlement and Disciplinary Order, including facsimile copies of
3 signatures, may be used with the same force and effect as the originals.

4 DATED: June 4, 2007.

5
6 Original signed by:
7 DOMINIC JOSEPH
8 Respondent

9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Respiratory Care Board of the Department of Consumer
12 Affairs.

13 DATED: June 19, 2007.

14 EDMUND G. BROWN JR., Attorney General
15 of the State of California

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17 Original signed by:
18 ELAINE GYURKO
19 Senior Legal Analyst
20 Attorneys for Complainant
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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2060

DOMINIC JOSEPH
1721 E. Colton Avenue Apt. 86
Redlands, California 92374

Respiratory Care Practitioner License No. 14605

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on July 26, 2007.

It is so ORDERED July 16, 2007.

Original signed by: _____

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA